

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HANDSOME PETER PARKER,

Plaintiff,

Case No. 1:20-cv-994

v.

Honorable Janet T. Neff

BUREAU OF PRISONS et al.,

Defendants.

ORDER OF TRANSFER

This is a civil rights action brought by a federal prisoner under *Bivens v. Six Unknown Named Agents of Fed. Bur. of Narcotics*, 403 U.S. 388 (1971). Plaintiff presently is incarcerated at the Yankton Federal Prison Camp in Yankton, South Dakota, though the events giving rise to Plaintiff's action occurred at the FCI Sandstone Facility in Sandstone, Pine County, Minnesota. Plaintiff sues the Bureau of Prisons, Lieutenant Unknown Weber, Corrections Officer Unknown Ross, Corrections Officer Unknown White, Corrections Officer Unknown Johnson, Case Manager J. Weber, Warden J. Fikes, Captain Unknown Worliok, and the Sandstone Institution. In his *pro se* complaint, Plaintiff alleges that he should not have been transferred to the Yankton camp because it is more than 500 miles away from his family.

Under the revised venue statute, venue in federal-question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). Pine County Minnesota is within the geographical boundaries of the District of Minnesota. 28 U.S.C. § 102(a). Defendants are public officials serving in Pine County, Minnesota, and they "reside" in that county for purposes of venue over a

suit challenging official acts. *See Butterworth v. Hill*, 114 U.S. 128, 132 (1885); *O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). In these circumstances, venue is proper only in the District of Minnesota. Therefore:

IT IS ORDERED that this case be transferred to the United States District Court for the District of Minnesota pursuant to 28 U.S.C. § 1406(a). It is noted that this Court has not reviewed the merits of Plaintiff's complaint.

Dated: November 10, 2020

/s/ Ray Kent
Ray Kent
United States Magistrate Judge